

REGULAR CITY COUNCIL MEETING

FEBRUARY 10, 1986

PRESENT

Ruth Hansen	Mayor
Craig Greathouse	Council Member
Don Dafoe	Council Member
Gayle Bunker	Council Member
Neil Dutson	Council Member
David Church	Council Member

ABSENT

Jim Allan	City Manager
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
Rex Stanworth	Intermountain Power Project
Meladee Maggos	Intermountain Power Project
Rex Johansen	City Resident
Marty Wiser	West Millard Property Owners Assoc.
Delma Jean Galli	West Millard Property Owners Assoc.
Rose Shumway	West Millard Property Owners Assoc.
Vince Crawford	Utah Power & Light
Warren Jensen	Millard County Commissioner
Martin Ludwig	City Resident

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Council Member David Church questioned the following purchases for the Police Department:

1.	Master Muffler	Inspection/Vehicle #8 Brakes	\$ 64.10
2.	Pro-Arms	Tactical Vests	250.00
3.	Setina Mfg. Co., Inc.	Mod. 9-S Vehicle	1,275.46

Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED that the accounts payable be approved for payment as listed in the amount of \$9,342.61. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further questions or comments regarding the accounts payable. There being none, she called for a vote. The motion passed unanimously.

MARTI WISER: DISCUSSION OF RENTAL PROPERTY OWNERS ASSOCIATION CONCERNS

Mayor Ruth Hansen asked Marti Wiser to address the Council regarding the West Millard Property Owners Association concerns.

Marti Wiser said that the members of the West Millard Property Owners Association (WMPOA) wanted to get acquainted with the City Council and present some of their goals. Mrs. Wiser presented the following goals of the WMPOA to the Council:

1. To promote community awareness of rentals available in West Millard County through combined advertising.
2. To promote an awareness of problems in relation to impact housing presently being provided by IPP and to work out solutions and compromises with IPP where possible.
3. To work with the City Council as issues of special interest to property owners are brought before the Council, e.g., agreements between Delta City and IPP concerning impact housing, and the status of IPP's Unit Three.
4. To provide an organization to educate rental owners in management of their properties.

Mrs. Wiser said that in order to compete with the White Sage impact housing, where rental fees are low, they are putting out-of-pocket money into their rental units to compensate for increased costs.

Mrs. Wiser said that representatives of IPP urged the private sector to provide housing for people coming into the area. Several people bought rental properties in good faith and now the only place keeping their renters is the White Sage impact alleviation housing.

Mayor Hansen said that the City Council cannot enforce rental fees within Delta City. She also said that the City Council agenda is posted in the foyer and their group is welcome to attend the City Council meetings.

REX JOHANSEN: CONSIDERATION OF PROPOSED STREET VACATION ORDINANCE ON BOUNDARIES OF BLOCK 25

Mayor Ruth Hansen asked Attorney Warren Peterson to address the Council regarding the proposed street vacation ordinance entitled:

ORDINANCE NO. 86- (tabled)

AN ORDINANCE DECLARING CERTAIN POLICIES APPLICABLE TO DEVELOPMENT OF PROPERTY LOCATED WITHIN THE AMENDED PLAT OF DELTA TOWNSITE (PLAT "A"), PROVIDING FOR VACATION OF CERTAIN PORTIONS OF SECOND SOUTH STREET, THIRD SOUTH STREET, THIRD EAST STREET AND FOURTH EAST STREET AND SETTING CONDITIONS FOR THE PORTIONS OF THE ORDINANCE VACATING STREETS TO BECOME EFFECTIVE AND AUTHORIZING CONVEYANCE OF PROPERTY UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Attorney Warren Peterson said that the statute that allows the City to vacate its streets, or to narrow its streets by vacating a portion thereof, or change the name of the street states is section 10-8-8.1, 8.2, 8.3, 8.4 of Utah Code Annotated. He said the statute requires that the City Council give notice of its intention to vacate a street. The notice that was published for the proposed street vacation does not state that the Council is hereby giving notice of its intention to vacate a street.

Mr. Peterson also said that in the past the Council has said that if the 99 foot streets are going to be narrowed, they should be reduced to a standard 60 foot cross section. In order to vacate the proposed street, a 19.5 foot strip should be vacated rather than 15 feet as stated in the notice. Under the published notice, it is technically wrong to vacate 19.5 feet where the public hearing was held for 15 feet, he said. This would create a title problem for Mr. Johansen. Mr. Peterson said that the proper way to vacate that street is to republish the notice and vacate the entire 19.5 feet.

Following further discussion, Council Member Craig Greathouse MOVED to readvertise the vacation of streets surrounding Block 25 and set up a public hearing for March 10, 1986, at 6:45 p.m. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Council Member Gayle Bunker requested that this item be placed on the Regular City Council Meeting agenda for March 10, 1986.

COMMISSIONER WARREN JENSEN: REVIEW OF BOUNDARY LINES ON THE EAST SIDE OF SUGAR FACTORY ROW

Mayor Hansen asked Commissioner Warren Jensen to review with the Council the boundary line problems on the east side of Sugar Factory Row.

Commissioner Jensen displayed a map of the boundary lines on the east side of Sugar Factory Row. He said that people have written deeds on their own and surveyed from points that were not correct, causing overlapping of boundary lines. This map showed the correct boundaries.

Commissioner Jensen said that Delta City owns property below, along the side, and above the Quinn Shepherd Road. He asked what should be done with the road. He said there are boundary overlaps on the road right-of-way.

Commissioner Jensen said that it has been proposed that the road be closed or that it be designated as a one-way road, or that the road be widened. Millard County feels that if the road is widened, the ditch along the west edge could be filled in, except Delta City still uses the ditch. Melville Irrigation Company said at one time that they would furnish the pipe and cover the ditch, or at least participate in that project, he said. He said the Millard County Attorney said it would be a mistake to widen the road and leave the existing trees along the road because it would create a dangerous condition.

Commissioner Jensen said that Millard County would be willing to agree with annexation of that road and would work with the City on paving the top part of the road.

There was no Council action taken.

VINCE CRAWFORD: DISCUSSION OF PROPOSED STREET LIGHT PROJECT OFF MAIN STREET

Mayor Hansen asked Vince Crawford of Utah Power & Light Company to discuss with the Council a proposed street light project off Main Street.

Mr. Crawford reviewed a map of the proposed street lights off Main Street and discussed locations for placement of street lights throughout the City. Mr. Crawford said that Delta City is presently paying for ninety 7,000 lumen lights and said that with the installation of new street lights, the cost would be \$9.19 per light with 2,500 more lumen output as compared to \$9.84 per light. He also said that there are some poles that are in poor condition and said that Utah Power & Light Company will replace the poles at no cost to the City. With permission from the City, he said he will order new 12 foot mast arms that will extend lights further into the streets. When the project is complete, all street lights in Delta City will be uniform, he said.

Mr. Crawford said that when the new street lights were installed on Main Street, two sodium vapor lights and two mercury vapor lights owned by UP&L were removed. Council Member Don Dafoe recommended that two more lights be placed near Harts and the Pendray Plaza Motel on Highway 6.

Following further discussion, Council Member Don Dafoe MOVED to instruct Utah Power & Light Company to replace the off Main Street lighting with the 9500 lumen lamps, replace the mast arms and install two more lights on Highway 6. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

JIM ALLAN: THORPE WADDINGHAM'S PAYMENT REQUEST FOR LEGAL WORK CONDUCTED DURING HURRICANE SAND & GRAVEL LITIGATION

Mayor Hansen asked Attorney Warren Peterson to represent Jim Allan in his absence and discuss with the Council Thorpe Waddingham's payment request for legal work conducted during the Hurricane Sand & Gravel litigation.

Mr. Peterson explained that Thorpe Waddingham assisted in the Hurricane Sand & Gravel case. His work was essentially concluded in December of 1984. Mr. Waddingham charged the City \$100 per hour, but said that if Delta City does not receive funding from Intermountain Power Agency (IPA) to help with the cost of that litigation, he would donate his fees to the City. However, Mr. Waddingham requested that his fees be included in the claim that was made to IPA and said that he would donate back to the City that portion of the total bill that was not paid by IPA, after allowances for income taxes. Attorney Peterson said that he had been advised by City Manager Jim Allan that the percentage paid by IPA is .67. The agreement had been made some time ago, but payment has not been made, he said.

Mr. Peterson said that Mr. Waddingham was issued a check during 1985 during the 1984-1985 fiscal year, but that check was not delivered. The claim submitted to IPA included Mr. Waddingham's time.

After further discussion, Council Member Neil Dutson MOVED to instruct Jim Allan to work out any necessary details and authorize payment of \$11,420 to Thorpe Waddingham within the next ten days. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote on the motion. The motion passed unanimously.

JIM ALLAN: REVIEW OF SECOND QUARTER REVENUES AND EXPENDITURES

Mayor Hansen asked City Recorder Dorothy Jeffery to review with the Council the Second Quarter Revenues and Expenditures. Mrs. Jeffery said that Greg Nielson of Richard K. Turner, CPA, has the full second quarter report and is making any necessary changes and as soon as the corrections are made, a full detailed report will be delivered to the Council for their review. City Manager Jim Allan will review the report in detail at the next Regular City Council Meeting.

ATTORNEY WARREN PETERSON: REVIEW OF PROPOSAL FOR AIRPORT ANNEXATION

Mayor Hansen asked Attorney Warren Peterson to review with the Council the status of the Airport Annexation.

Mr. Peterson said that after the discussion on the proposed annexation at the last City Council meeting, it appeared to him that there were two communication problems. The first problem was that the Council was required to absorb a lot of information regarding the airport annexation all at one time without sufficient background information and he wanted to give the Council background information. The second problem is that Mr. Peterson

was told that there had been miscommunication about his role in the airport annexation. He said some individuals thought that Attorney Peterson was representing Derral Christensen on the annexation and that he was in fact doing work for Mr. Christensen. Mr. Peterson explained that Keith Taylor was originally representing Derral Christensen's interests in the annexation and had met with Delta City on several occasions. The first meeting was in 1982, then in 1984, and then in the early part of 1985.

Derral Christensen elected in the later part of September 1985 to no longer have Keith Taylor represent his interests as his attorney on the annexation. At that time Derral Christensen talked to Attorney Peterson and said that Keith Taylor would no longer be representing his interest on the annexation and said that as the City Attorney Mr. Peterson should know what the City would accept on the documents that are required for the annexation and asked Mr. Peterson to draft them. Mr. Peterson said that he could draft them as the City Attorney inasmuch as the City would be a part to the agreement. Mr. Peterson told Mr. Christensen, however, that there would be two conditions to drafting the documents. One was that if Mr. Peterson drafted the documents, the Council may request that Mr. Christensen reimburse the City for the cost of Mr. Peterson's time in drafting those agreement since Mr. Christensen's previous attorney, Keith Taylor, was originally going to draft the agreements. Mr. Christensen agreed. The second condition set out by Attorney Peterson was that Derral Christensen would have to appoint his own attorney to represent his interests. Mr. Peterson recommended Keith Christensen because he has often represented Derral Christensen's interests and because he knows the area well and is an experienced land developer.

Mr. Peterson said that he has not at any time represented Derral Christensen's interests in the annexation and will not at any time represent Mr. Christensen's interests, and that he will not and has not received any payment from Mr. Christensen. Mr. Peterson said that he has made no effort to conceal the fact that he personally favors the annexation because he thinks it is a good policy move for Delta City. He also said that he is not at this time trying to persuade the Council to approve the annexation, but only to determine how the annexation stands at this point and how to proceed or whether to proceed with the annexation at all.

Mr. Peterson said that there was discussion at the time Delta City adopted its original annexation policy declaration in 1980 of including the airport in the annexation policy declaration. As the policy declaration was finally adopted, the declaration went three-quarters of a mile east from the then-existing City boundaries. It was mentioned in the context of plans to use the airport for future economic development of the area and to control development occurring on the boundaries of Delta City.

Mr. Peterson said that Delta City is a principal participant in the annexation. Delta City owns the airport, which is approximately 30% of the land in the proposed annexation. The City also has an analytical role because Delta City analyzes every annexation to determine whether the annexation will benefit the City.

Mr. Peterson asked, "What will the long term effect on the City be from a long term planning viewpoint if the ground is annexed and develops or, if it is not annexed and doesn't develop?" Mr. Peterson explained that the City's interest is to see what is best for the City in both the short and long run.

Mr. Peterson said that Derral Christensen bought the property with a family trust which was set up for the benefit of his grandchildren. Council Member Neil Dutson has properly declared that interest. Mr. Christensen acquired that property in approximately 1981 for a price of approximately \$1,000 per acre and there are over 1,000 acres, so Derral Christensen is the largest single landowner in the annexation.

Delta City was initially approached by Keith Taylor in 1982 by Mr. Taylor meeting with Grant Nielson, Vance Bishop and Attorney Peterson saying that Delta City was interested in development in the airport area and that it would be in the best interest of the City and the development group if the City annexed the property so that the City had jurisdiction over it. At that time, the Council was interested in looking at the proposed annexation but made no commitment. It was after that time that Mr. Christensen went through the process of promoting and donating the golf course to Millard County.

Mr. Peterson reported that Mr. Christensen said that if the area is not annexed and development occurs in Millard County, they can develop with wells. That's how Delta City got into the Morley Well lawsuit. Christensen's trustees filed a change application to split the Morley well right into thirty-two individual 6-inch wells and that was the point at which the City and the irrigation companies protested on two grounds: One, that it would interfere with the City wells; Secondly, that the water right had lapsed and was no longer valid. As it stands today, those 32 wells are approved under the settlement reached in the lawsuit and could be drilled immediately.

Mr. Peterson said that it is more economical for the developer on a short term, small development basis to install wells, gravel roads and septic tanks, all of which would be permitted in a Millard County approved development. Delta City must be aware of this making it difficult for the City to place any extreme demands on Mr. Christensen under these circumstances.

Mr. Peterson further explained that the City has in the past had basically one large developer, IPA. IPA wasn't looking at the economics of the Delta housing site. The economics for IPA were the location for a housing and recreation site to be built that would attract and keep people in Delta to avoid a high turn over rate in construction at the Intermountain Power Project.

Mr. Peterson further stated essentially the following: Those economic leverages and factors are not involved in the airport annexation from the Christensen viewpoint. From the City's planning standpoint, the City is looking at a development of 50 units or less for the initial phase. The airport annexation is being developed on the down side of the IPP project, which economically doesn't make sense. When asked about that, Derral

Christensen said, "I'm not an IPP, but I think I can make some things happen economically for Delta." That's how he justifies going ahead with a subdivision. In explaining that further, Mr. Christensen said that he thinks there are people who are interested in building next to a golf course and he is trying to develop some interest in that area as a small industry site in conjunction with the airport. Also, of economic interest to Mr. Christensen is the ongoing responsibility of running a subdivision. If the City doesn't take it over, somebody else must do so.

Mr. Peterson said that Delta Valley Farms accounts for \$111,180 of the total of approximately \$380,000 assessed value of the annexation so they can't be excluded from the annexation and still make the annexation work. The instructions from the Council were to take in the 660 foot strip on the outside of the highways and in so doing Delta Valley Farms is brought in. Elwin Johnson has said that if he gets the value of his wells back out of the annexation, he is in favor of it.

Stewart Taylor is also interested in annexation because of the advantage of having the water system available. If that is not available, then he is not interested. Mr. Taylor said that he would exchange his 8-inch well (which John Quick says could feasibly be adapted as a municipal well where the Johnson 6-inch wells are not) for some consideration in connecting into the City system. In order to serve either Delta Valley Farms or Stewart Taylor, there has to be water line from the airport annexation area to Delta City.

Based on John Quick's initial estimate, putting a water system up there with a pressurized storage reservoir and running the line down hill would save the City an estimated \$29,000 per year. At \$29,000 per year, that water line could be paid off in 6 to 7 years, plus having the back up gravity-fed system. After further analysis, Mr. Quick said that Neil Forster has already implemented a number of suggestions that Mr. Quick was making, so those savings are not possible and the actual savings would be between \$5,000 and \$10,000 per year. Mr. Peterson said that to pay off \$162,000 worth of water line at \$10,000 a year would take a long time and the risk is spread over 20 years before getting any return.

Mr. Peterson reminded the Council that Derral Christensen has offered to put in an elevated storage reservoir and well that would cost \$275,000 and he's doing that knowing that his initial phasing in development would only involve a maximum of 50 homes. If those 50 homes were built soon, he would then develop more territory. Mr. Christensen is taking a big risk when he agrees to pay the \$275,000 up front for the City to have an elevated storage reservoir. When asked if he would build the water line too, Mr. Christensen said that the economics of it are not there for him.

Mr. Peterson said that if the City annexes and the Christensen property does develop, Delta City would have the extended services and the territory. If the City annexed the territory under certain development terms, maintenance of the water system and other facilities would have to be done through a home owners association. The improvements would be dedicated to the City after there is a sufficient number of residents to be economically feasible for the City to service.

Attorney Peterson said that there has been a lot of discussion and resources put into the annexation and asked the Council if he should proceed with further work on the annexation. He said that Mr. Christensen is losing interest in annexing to the City and cannot wait any longer to proceed with his development.

Mr. Peterson briefly reviewed the proposed water systems for the annexation area, which includes plans to build an elevated storage tank, run a line to the City or to perhaps not run the line to the City, he said. The first option is the independent system -- to build an elevated storage reservoir and use that reservoir to run that system and then if at some point the City or the developer wants to pay to connect it to the City system, that option is available. The other option would be a ground storage system. Mr. Christensen has agreed to go with the gravity system even though it is approximately \$150,000 more expensive. In discussing the sewer system, Mr. Peterson said that the primary short term option for sewer service would be septic tanks. One other option would be to install a direct outfall to the Delta City sewer lagoons.

Mr. Peterson said that the streets would be developed in phases and the time of street dedication is something that has to be considered. There are a number of options available. One is to say that no streets will be dedicated until there are 50 homes built, otherwise the streets will be private streets owned by a home owners association and maintained by it.

Mr. Peterson said that he favors the airport annexation in order to get territorial jurisdiction over the airport and if annexation does not occur he suggested that the City should consider whether to transfer the ownership of the airport to someone else, e.g., Millard County. He said that if the City is not going to use the airport as an asset, there is no justification in letting it continue as a drain on the City resources.

Council Member David Church said that he doesn't see the annexation as a paying proposition.

Council Member Gayle Bunker said that he would like the City to proceed with the annexation.

Council Member Craig Greathouse said that he likes the idea of the home owners association and is in favor of it for development of the annexation area.

Following further discussion, Council Member Gayle Bunker MOVED to proceed with the Airport Annexation, which would include a home owners association being responsible for the initial phase of development of water, sewer, streets and if services are not furnished to Delta Valley Farms within three years, they have the option to withdraw without the City protesting. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. Council Member David Church asked Mr. Peterson for clarification on the effect of the motion. Attorney Peterson said that it is a vote on whether or not to expend further City resources trying to put the annexation in a final form.

Mayor Hansen called for a vote on the motion. Council Member Gayle Bunker, Don Dafoe and Craig Greathouse voted yes; Council Member David Church voted no; and Council Member Neil Dutson abstained from voting due to a conflict of interest. The motion passed.

SGT. KIM TAYLOR: CONSIDERATION OF PURCHASE OF NEW WEAPONS FOR POLICE DEPARTMENT

Mayor Hansen asked Sgt. Kim Taylor to present his proposal to purchase new weapons for the Police Department.

The following memo was presented to the Council:

TO: Delta City Council
FROM: Chief Roger J. Young
DATE: February 7, 1986

This letter to you is to go along with Sgt. Kim Taylor's presentation on the new weapon proposal.

In my experience as a Law Enforcement Officer, I have had the opportunity to carry both the .357 caliber and .45 caliber weapons on duty. I must say in all honesty that I do prefer the .45 caliber over the .357 caliber. The .45 caliber is easier loading, easier in the clearing of jams and the ability to carry more ammo than a .357 revolver. It is a lighter weapon and more compact for close encounters and that was the original concept of the weapon.

I support the use of the .45 caliber weapon over the .357 caliber. However, at this time my main concern would be the cost of the weapon and how we would finance the cost of it. Sgt. Taylor has included in his proposal some options on how to accomplish this.

I would ask that the Council consider the proposal and render a decision on it with your excellent wisdom.

Respectfully,

Roger J. Young
Chief of Police
Delta City

Sgt. Kim Taylor presented a handout (as on file) and reviewed in detail with the Council his proposal to purchase .45 caliber weapons.

Following discussion of the proposed .45 caliber weapons, Council Member Don Dafoe said that he would like the Police Department to keep the .357 weapons that they now have for at least two more years. Council Member Gayle Bunker


said that he thinks the .45 caliber weapon is the better weapon to have, but the department has only had the .357 for two years and he would like to see them used for a few more years and then look at the .45.

Following further discussion, Council Member David Church MOVED to deny the request to purchase .45 caliber weapons at this time. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote on the motion. The motion passed unanimously.

Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. The meeting adjourned at 10:45 p.m.


RUTH HANSEN, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: March 10, 1986